IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

OP.No. 17211 of 1999(Y)

PETITIONER:

K.ABOObACKER HAJI AGED 66 YEARS,
SON OF KUNJIMOIDEEN HAJI,
KINALOOR VILLAGE, POOVAMBAI DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS:
----

1. **THE DISTRICT COLLECTOR, KOZHIKODE.**

2. **THE SPL. TAHSILDAR (REVENUE RECOVERY)**
KOYILANDY TALUK,
KOZHIKODE DISTRICT.

3. **THE ASSISTANT COMMISSIONER (ASSESSMENT)**
COMMERCIAL TAXES, SPECIAL CIRCLE II, KOZHIKODE.

BY GOVERNMENT PLEADER SRI. GOVINDAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/12/2006, ALONG WITH OP NO. 22214 OF 2000 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.NO.17211/1999

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE DT.5.3.99 ISSUED BY 1ST RESPONDENT IN PROCEEDINGS NO.C1.30606/98 UNDER SECTION 65 OF R.R. ACT TO THE PETITIONER.

.EXT.P2:- COPY OF THE NOTICE DT. 16.4.99 ISSUED BY 1ST RESPONDENT IN PROCEEDINGS NO.C1.30606/98 UNDER SECTION 65 OF R.R.ACT TO THE PETITIONER.

EXT.P2(a):- COPY OF THE TENTATIVE FINDING 13.4.99 SENT ALONG WITH EXT.P2 TO THE PETITIONER BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE EXPLANATION DT.3.5.99 FILED BY THE PETITION IN EXT.P2 PROCEEDINGS BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.Nos. 17211/99 & 22214 of 2000

Dated 13th December, 2006.

J U D G M E N T

The issue pertains to the revenue recovery steps initiated against the petitioner under Section 65 of the Kerala Revenue Recovery Act. It is submitted that during the pendency of the writ petition, pursuant to the directions issued by this Court, the District Collector, Kozhikode, by order dated 7.5.2006 ordered further action under Section 44 of the Act. Learned counsel for the petitioner submits that he has filed a revision before the Commissioner, Land Revenue(Ext.P8 in O.P.22214/2000). It is for the petitioner to approach the Commissioner and seek appropriate orders by way of interim relief also. These writ petitions are hence disposed of making it clear that there shall be no coercive action against the petitioner for a period of two months, in order to enable him to seek appropriate orders from the Commissioner, Land Revenue.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.Nos. 17211/99 & 22214 of 2000

J U D G M E N T

Dated 13th December, 2006.